

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 7, 1944

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller -4
Absent: Councilman Wolf -1

Present also: Walter E. Seaholm, Acting City Manager; J.E. Motheral, City Engineer; J. M. Patterson, Jr., Acting City Attorney; and R.D. Thorp, Chief of Police.

This being an anniversary of the attack on Pearl Harbor by Japan, upon motion of the Mayor, the City Council rose as a body and stood for a moment in silent tribute to the men who lost their lives on that memorable occasion.

The minutes of the Regular Meeting of December 29, 1944, were read, and on motion of Councilman Alford, were adopted as read by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller
Noes: None
Absent: Councilman Wolf

The application of the POST OFFICE CAFE, 503 Lavaca Street, Mrs. Crickett Galler, owner, for a retail beer license, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller
Noes: None
Absent: Councilman Wolf

The application of WILLIAM ANDREW HICKMAN, 1007 West 37th Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller
Noes: None
Absent: Councilman Wolf

The application of NORMAN FELTON CRIDER, 308 East 10th Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was

submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes: None
 Absent: Councilman Wolf

The application of ROBERT LEE SIMPSON, 915 West Gibson Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The application of PVT. PAUL RAYMOND MARTIN, Bergstrom Field, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The following report of the BOARD OF ADJUSTMENT on the application of Fred Adams for a change in zoning of the property at 1614 East 7th Street, was received and filed:

Austin, Texas
 December 6, 1944

Honorable Mayor and City Council
 Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on November 28, 1944:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Fred Adams requesting a change in the Use designation of the following property:

Property located at 1614 East 7th Street

from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board held a hearing on this application on the above date, at which hearing a large number of residents and property owners adjacent to and in the immediate neighborhood of the property appeared protesting this change on the grounds that they desired to preserve the residential character of this neighborhood, having purchased their lots and built their homes with the understanding that this was a residential

district and protected by the Zoning Ordinance; and

WHEREAS, an examination of the zoning maps discloses the fact that all the property on the north side of Seventh Street between Chalmers Avenue and Comal Street, and on the south side of Seventh Street between Navasota Street and the electrical distribution sub-station of the City of Austin at Chicon Street is now zoned as an "A" Residence District, and all development thereon is now residential; and

WHEREAS, this change is for a single lot under a single ownership for the purpose of erecting a business building for the benefit of the owner and not in answer to any public demand for any kind of commercial service in this neighborhood inasmuch as all the other property south and to the east and west on Seventh Street is now zoned for commercial purposes, which adequately serves the needs of this residential community; and

WHEREAS, such a change would be a spot zone in the midst of residential property, unrelated to any general zoning plan for this district; and

WHEREAS, the Board deems that under the circumstances and conditions no valid evidence or reasons have been advanced to justify such a change, and that no unnecessary hardship would accrue to the owner by preserving the residential character of the lot, and further, that this change would adversely affect the surrounding property for residential uses as well as its value, and that the integrity of the zone should be preserved for the protection of the present residential uses and peaceful enjoyment thereof by present owners and residents whose interest is preponderant with respect to the interest of the applicant; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

That the change of the property at 1614 East Seventh Street be not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By /s/ H. F. Kuehne
Chairman. "

Upon request of applicant, a public hearing on the application for a change in zoning, from "A" Residence District to "C" Commercial District, of the property described in the foregoing report, to-wit, the property located at 1614 East Seventh Street, was called for Thursday, January 4, 1945, at 11:00 A. M.

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN;

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in PEDERNALES STREET, Santa Rosa Street north 87 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Pedernales Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in COMAL STREET from a point 5 feet north of East 4th Street northerly 242 feet, the centerline of which gas main shall be 22 feet east of, and parallel to, the centerline of said Comal Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in EAST 4TH STREET ALLEY, Union Street east 64 feet, the centerline of which gas main shall be five feet south of, and parallel to, the north property line of said East 4th Street Alley.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in EAST 20TH STREET from a point 142 feet west of Leona Street easterly 96 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said East 20th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in EAST ANNIE STREET across Brackenridge Street intersection, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of, and parallel to, the north property line of said East Annie Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in BRUNING AVENUE, Martin Street east 205 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Bruning Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (7) A gas main in EAST 14TH STREET from a point 101 feet east of Chicon Street easterly 230 feet, the center-line of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said East 14th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The request of MRS. TOM MILLER for an extension of the storm sewer through her property in the 600 block of West 4th Street was discussed, and the matter was referred to the City Engineer for further consideration.

The written application of RICHARD MADISON for a change in zoning of the property at 1204 Chicon Street, from "C-1" Commercial District to "C-2" Commercial District, was received and the matter was referred to the Board of Adjustment for consideration and recommendation.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1933 through 1943

were assessed in the name of Dewey Morris on personal property and Lot 3, Block H, J. E. Bouldin, Plat 116, in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$244.43, and for nonpayment of same at maturity, penalty in the sum of \$12.22 has been assessed, and interest in the amount of \$77.93 has accrued, making the total amount of taxes, penalties, and interest due \$334.58; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$12.22, and one-half of the interest in the sum of \$38.96; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$12.22 and one-half of the interest in the sum of \$38.96 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$12.22 and said interest in the sum of \$38.96 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the aforesaid taxes and one-half of the interest, as aforesaid.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes: None

Absent: Councilman Wolf

There being no further business, upon motion seconded and carried, the meeting was recessed at 11:55 A. M., subject to call of the Mayor.

APPROVED

Tom Miller
MAYOR

ATTEST:

Sharon McStellan
CITY CLERK